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14 ROWLAND MARCUS ANDRADE

15  
16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 UNITED STATES OF AMERICA,

Case No. 3:2-cr-00249-RS-LBx

20 Plaintiff,

**DECLARATION OF KERRIE C. DENT  
IN SUPPORT OF DEFENDANT  
ROWLAND MARCUS ANDRADE'S  
REPLY BRIEF IN SUPPORT OF THIRD  
MOTION TO COMPEL**

21 v.

22 ROWLAND MARCUS ANDRADE,

Judge: Hon. Laurel Beeler

23 Defendant.

Hearing: March 7, 2024, 10:30 a.m.

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1 Kerrie C. Dent, counsel for Defendant Marcus Andrade, states as follows:

2 1. I am one of the lawyers representing Defendant Marcus Andrade in the above-  
3 captioned matter. I have personal knowledge of the discovery disputes and related  
4 correspondence between the government and defense counsel and, if called as a witness in this  
5 matter, could competently testify to the matters stated in this Declaration.

6 2. On January 25, 2024, Mr. Andrade filed a Third Motion to Compel (Dkt. #275)  
7 seeking, among other things, production of his own devices seized by the government three and a  
8 half years ago, access to his four Trezor wallets the government seized years ago; recordings  
9 (including some of himself); some of Jack Abramoff's devices; documents relating to the joint  
10 investigation being run by the Securities & Exchange Commission, and several other categories  
11 of documents. This declaration supports statements made in Mr. Andrade's Reply Brief in  
12 Support of his Third Motion to Compel.

13 3. My colleagues and I have identified numerous recordings that the government has  
14 not produced. The government's production of many of the recordings includes an index, but  
15 several of the recordings listed on the index do not have a corresponding audio file. We have  
16 provided the government with a list of the recordings missing from that production several times.  
17 In addition, discovery shows that Mr. Andrade's case agents scripted a call for Ben Boyer to  
18 have with Mr. Andrade, and informed Boyer after the call that it was recorded – and yet that  
19 recording, despite nearly two years of specific requests for it (beginning with a March 2022  
20 discovery request), has not been produced. *See* Dkt. 275 at 8:12-18. My colleagues and I have  
21 identified unproduced recordings for the government repeatedly, including on August 18, June  
22 22, June 26, 2023. More recently, we learned that IRS Agent Bryan Wong recorded an interview  
23 he had with Karl Ruzicka, Mr. Andrade's accountant. In its Opposition to Mr. Andrade's Third  
24 Motion to Compel, the government agreed to produce that recording to Mr. Andrade. We have  
25 no way of knowing how large the universe of unproduced recordings is, but the discovery  
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1 produced to date gives strong indications that the specific recordings identified here are not the  
2 only recordings the government has failed to produce.

3       4. My colleagues and I have been asking for the return of all 18 of Mr. Andrade's  
4 seized devices for years. We filed Mr. Andrade's first motion to compel their return on July 15,  
5 2022, after which the government asked Mr. Andrade to withdraw the motion to compel because  
6 it would stipulate to returning the 18 devices seized from him. The government promised to  
7 return the devices – in writing – at least two more times later in 2022. Dkt. #275 at 4-5. The  
8 government asserts in its opposition to Mr. Andrade's third motion to compel that it was only  
9 able to image a "limited portion of the Motorola G7" and was "not able to successfully image"  
10 the three other cell phones, "presumably because of technological constraints." Dkt. # 283 at 5.  
11 This was the *first time* the government told us that there "presumably" were "technical  
12 constraints" interfering with the imaging of any of Mr. Andrade's devices.

14       5. The government concedes that it has not turned over 700 pages of the grand jury  
15 production made by Turnberry Solutions, LLC. It nevertheless claims it has nothing more to  
16 produce, but once again its record provides no basis for trust: its first production was 1,000 pages  
17 short, and when we called out the omission, the government responded six weeks later: "We  
18 have already produced all documents received from Turnberry. For your convenience, I will re-  
19 produce them to you." This "re-production for Mr. Andrade's convenience" included 300 of the  
20 1,000 pages that were not produced the first time. The newly produced Turnberry documents  
21 included important Jack Abramoff communications with Jason Osborne of Turnberry and others.  
22 The other 700 pages from the government's production still have not been produced, despite our  
23 repeated requests for them.

25       6. Request #12 of Mr. Andrade's July 15, 2022 discovery letter requests: "Any  
26 search warrants, including their underlying applications and affidavits, and all subpoenas and the  
27 fruits of all subpoenas that reference Mr. Andrade, the NAC Foundation, or AML Bitcoin issued

1 to the following parties: Muzin Capital Partners; Ghost Management Group; Pangea LLC; Brian  
 2 Darling and Darling Associates; Paul Erickson; ADI; Kroll Global; Rothschild Public Affairs;  
 3 Erickson Group; Richard Naimer; Maria Butina; Global Strategic Communication Group; James  
 4 George Jatras; Darren Spinck; James Kahrs; Charles Johnson; Turnberry Solutions; Dana  
 5 Rohrabacher; Natko Vlahovic; Carlos Delaguardia; Chase Kroll; ICOBox; Alex Moskovsky;  
 6 Daria Generalova; Anar Babayev; Nickolay Evdokimov; Michael Raitsin; Gary Baiton; Alex  
 7 Prasic; Gladimir Sofrono; and/or Ricardo "Catin" Vasquez."

8       7. In its Opposition to Mr. Andrade's Third Motion to Compel, the government  
 9 accuses Mr. Andrade of "inventing recordings that do not exist" (Dkt. #283 at 13) because of his  
 10 suggestion that the government should produce the recording that Confidential Human Source  
 11 ("CHS") David Mata made of Shalu Maheshwari and others on January 23, 2020. But Mr.  
 12 Andrade did not simply dream up the existence of such a recording. My understanding is that his  
 13 belief that such a recording exists is based on his careful review of documents and video  
 14 recordings the government has produced in his case. For example:

- 16       • FBI-MAIN-0001036: On January 23, 2020, a team of Special Agents and an  
 17 Operational Support Technician conducted surveillance of CHS Mata and three  
 18 other people at the Kezar Pub in San Francisco. Mr. Andrade's attorney, Shalu  
 19 Maheshwari, was one of the individuals at the pub with Mata. The surveillance  
 20 lasted for about an hour and a half.
- 21       • FBI-MAIN-0001037: The government produced a video and audio recording of  
 22 an FBI agent walking past Mata, Maheshwari, and two others while they were  
 23 sitting at a table.
- 24       • FBI-Main-0001039: A 42-second video clip of Mata getting up to get a beer from  
 25 the bar could not have been made by anyone other than Mata himself. This is  
 26 clear from the angle and close distance of the recording. The government has not  
 27 produced any other video or audio recordings that Mata made on January 23,  
 28 2020 at the Kezar Pub.
- 29       • FBI-MAIN-0001044: The government also produced a close-up photo of  
 30 Maheshwari taken at the gathering on January 23, 2020.

31 Regardless of whether there are additional video and audio recordings from the meeting between  
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1 Mata and Maheshwari in January 2020, I do not agree with the government that Mr. Andrade  
2 “invented” the existence of such recordings.

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4 8. There likely are additional unproduced undercover recordings with several  
5 individuals. For example, Dr. Michael Witte signed a recording agreement on June 18, 2019  
6 (FBI-MAIN-0003219), and Mr. Joe Ortiz signed a recording agreement on May 10, 2018 (FBI-  
7 PHY3-0000289). Michael Witte and Joe Ortiz, both spoke multiple times with Mr. Andrade in  
8 the days and weeks following the signing of their recording agreements. Mr. Andrade  
9 appreciates that the government has agreed to produce the recording of Joe Ortiz, 1A-63 (May  
10 16, 2018), because the folder it produced to Mr. Andrade with that identification label is empty.  
11

12 I declare under penalty of perjury that the foregoing is true and correct, and that this  
13 declaration was executed on February 22, 2024 in McLean, Virginia.

14 */s/ Kerrie C. Dent* \_\_\_\_\_  
15 KERRIE C. DENT

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